

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
v.) Case No.: 2:07-cr-280-MHT
)
TIMOTHY G. JONES)

UNOPPOSED MOTION TO WITHDRAW NOTICE OF INTENT TO PLEA

COMES NOW the Defendant, **TIMOTHY G. JONES**, by undersigned counsel, Michael J. Petersen, and respectfully moves this Court to withdraw his Notice of Intent to Plea filed on March 5, 2008. In support of this motion, the Defendant would show that this will serve the ends of justice, and will permit the parties to conduct further investigation and negotiation of a pre-trial resolution of this case, based on the following circumstances:

1. The attorney for the Government in this case, Jerusha Adams, Esq., does not oppose this motion.
2. On March 4, 2008, this Court denied the Defendant's Motion to Continue filed February 29, 2008, stating that the Defendant did not explain why negotiations could not be completed by the trial date of March 17, 2008. (Doc #16)
3. On March 4, 2008, undersigned counsel filed a second Motion to Continue asserting that both parties require additional time in order to properly investigate this matter. (Doc #17). Mr. Jones was arraigned on January 28, 2008, on charges based upon events which occurred on or about the months of July, August, and September 2006, (Doc #1), and the Federal Public Defender was appointed to represent him. (Doc #7). Undersigned counsel asserted that such investigation could not be completed by the March 5, 2008 date by which Notice of Intent to Change Plea must be filed

in this matter pursuant to Rule 11(c)(1)(C), Federal Rules of Criminal Procedure.

4. At 11:59 a.m. on March 5, 2008, this Court had not yet acted upon undersigned counsel's Renewed Motion to Continue (Doc #18), and because the deadline to file notice in order to plead pursuant to Rule 11(c)(1)(C), Mr. Jones reluctantly agreed to the present agreement.

5. At approximately 4:30 p.m. on March 5, 2008, undersigned counsel received through CM/ECF, an Order granting his renewed Motion to Continue stating that the "ends of justice" would be served by such a continuance, and resetting the trial date to June 23, 2008.

6. Undersigned counsel has conferred with the Defendant. Mr. Jones wishes to withdraw his Notice of Intent to Plea in order to pursue additional investigation and plea negotiations which this continuance would allow him to do.

7. Undersigned counsel believes that the ends of justice would be served by allowing Mr. Jones to withdraw his notice of intent to plea, and pursue additional investigation and negotiations.

WHEREFORE, based upon the foregoing, the Defendant, by and through undersigned counsel moves this Court for an Order granting the Defendant's Motion to Withdraw his Notice of Intent to Plea so that he may pursue investigation and a pre-trial resolution of this matter.

Dated this 6th day of March, 2008.

Respectfully submitted,

s/ Michael J. Petersen
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ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:
Jerusha Adams, Esq., Assistant U.S. Attorney, 131 Clayton Street, Montgomery, AL 36101.

Respectfully submitted,

s/ Michael J. Petersen
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